

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

United States of America, )  
 )  
 Plaintiff, )  
 ) CR15-00707-PHX-SRB  
 vs. ) Phoenix, Arizona  
 ) February 23, 2016  
 Abdul Malik Abdul Kareem, )  
 )  
 Defendant. )  
 )  
 )  
 )

BEFORE: THE HONORABLE SUSAN R. BOLTON, JUDGE  
EXCERPT OF REPORTER'S TRANSCRIPT OF PROCEEDINGS  
JURY TRIAL - DAY #5  
TESTIMONY: SERGIO MARTINEZ-CHAVEZ PART #1

**APPEARANCES:**

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Proceedings Reported by Stenographic Court Reporter  
Prepared transcript by Computer-Aided Transcription

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E X C E R P T O F P R O C E E D I N G S

THE CLERK: Please state your name for the record and spell your last name.

THE WITNESS: Sergio Martinez-Chavez.  
M-A-R-T-I-N-E-Z. Chavez. C-H-A-V-E-Z.

THE COURT: You may proceed, Mr. Koehler.

**SERGIO MARTINEZ-CHAVEZ, WITNESS, SWORN**

**DIRECT EXAMINATION**

BY MR. KOEHLER:

Q Good afternoon, sir.

Could you please introduce yourself to the jury.

A Hello. I'm Sergio Martinez-Chavez.

Q How old are you?

A Thirty.

Q What kind of work do you do for a living?

A I'm an equipment trainer for Maricopa County.

Q What does that involve?

A Training --

THE COURT: Can I ask, could you pull the microphone a little closer?

THE WITNESS: Yeah.

THE COURT: Thank you.

Now, go ahead and describe what you do for a living.

THE WITNESS: I teach initial safety to employees and I instruct them out on the work in the field, show the do's

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1 and don'ts. I make sure they're safe, professional, and ready  
2 to do the job on their own.

3 BY MR. KOEHLER:

4 Q What kind of equipment is it that you're talking about?

5 A Heavy equipment, earth-moving equipment.

6 Q Do you know an individual by the name of Decarus Thomas,  
7 also known as Abdul Malik Abdul Kareem?

8 A Yes, I do.

9 Q Is that individual in the courtroom today?

10 A Yes.

11 Q Could you please point him out and describe an article of  
12 his clothing.

13 A Light blue shirt, long-sleeved.

14 MR. KOEHLER: May the record reflect the witness has  
15 identified the defendant?

16 THE COURT: Yes.

17 BY MR. KOEHLER:

18 Q How long have you known Mr. Abdul Kareem?

19 A I don't know, about 12 years.

20 Q So about since you were 18 years old?

21 A Seventeen, 18.

22 Q And how old was he at the time that you met him?

23 A I would say he was about 30.

24 Q So is it fair to say he's was about 13 years older, 12  
25 years older than you?

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1 A Yes.

2 Q Did you meet a friend of his that went by the nickname  
3 Ibrahim?

4 A Yes, I did.

5 Q I'm going to show you Exhibit 431 that's already in  
6 evidence.

7 Do you recognize the person in that picture?

8 A Yes.

9 Q Who is that person?

10 A That's -- I can't think of his name. Ibrahim.

11 Q Was there a period of time that Mr. Abdul Kareem lived  
12 with you?

13 A Yes, there was.

14 Q Approximately, what time frame was that?

15 A Let's see. That was about 2008 to 2010, I would say, when  
16 I was staying with my brother.

17 Q And did he also live with you and your girlfriend Nicole  
18 for a period of time?

19 A No.

20 Q Or stay with you for a period of time?

21 A No.

22 Q During the time he stayed with you and your brother, did  
23 you ever see this person Ibrahim?

24 A Yeah, one time.

25 Q Do you remember about what year that was?

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1 A I would say about 2010.

2 Q I want to take you forward in time to the fall of 2014.

3 Was there a time that Mr. Abdul Kareem came over to  
4 your mother's house with you?

5 A Yes.

6 Q And did you go shooting with him at your mother's  
7 property?

8 A We were there shooting and he did come and he did end up  
9 shooting as well.

10 Q Was Ibrahim with him that time?

11 A Yes.

12 Q What kind of gun did they shoot?

13 A It was a pistol. I know it was small, dark in color. I  
14 would have to say it was about a 9 millimeter.

15 Q Okay. And do you remember about what time of year that  
16 was?

17 A Time of year?

18 Q Yes.

19 A I don't recall. I would have to say towards the end of  
20 the year.

21 Q All right. Now, was there another time that you went  
22 shooting with them?

23 A Yes.

24 Q Before we get to that, did he have other friends that hung  
25 out with him on occasion?

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1 A That came around? No.

2 Q Okay. What about friends that you knew that he hung out  
3 with or knew of?

4 MR. MAYNARD: Objection to the form of the question.  
5 I'm not sure what it's asking.

6 THE COURT: Sustained.

7 BY MR. KOEHLER:

8 Q Were there friends that he talked to you about that he had  
9 that you didn't get to meet too much?

10 A The only friend he ever talked about that I recall is  
11 Ibrahim. Ibrahim and I would have to say Stefan.

12 Q Were you close to him and his other friends?

13 A I wasn't close to any of his friends.

14 Q Just him?

15 A Just him.

16 Q Did you know whether Ibrahim was also Muslim?

17 A I did know.

18 Q Was he?

19 A Yes.

20 Q And did you ever get involved in any conversations between  
21 Ibrahim and Mr. Abdul Kareem?

22 A No.

23 Q Did they ever share anything that they talked about with  
24 you?

25 A No.

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1 Q Did there come a time when you went shooting again in the  
2 desert?

3 A Yes.

4 Q Can you tell the jury how that particular event came  
5 about?

6 A Yeah. He had called me one Sunday and it was out of  
7 nowhere he wanted to go shooting with Ibrahim and I don't  
8 remember if there was the third person in the conversation.  
9 But it was late notice, so I declined.

10 Q Okay.

11 A And -- and throughout the week he might have asked me a  
12 couple times. At the end of the week, he called me and told  
13 me that he was coming by. And I believed him, so I just  
14 waited, you know, around. That was about a Friday. Around  
15 4:30 he showed up with Ibrahim and Soofi.

16 Q Let's talk about that week for a bit.

17 You mentioned that he called you a few times during  
18 the week --

19 A Uh-huh.

20 Q -- to ask about this.

21 What did you feel like his attitude was like about  
22 making these requests?

23 A He was pushy.

24 Q And were you interested in going shooting on that day?

25 A Not on that Sunday. At the end of the week I didn't mind,

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1 the end of the following week.

2 Q Was there a reason why you didn't want to shoot at your  
3 mom's house that day?

4 A Yeah, because it was late. And, you know, usually when we  
5 go to her house, it's invited. So I didn't want to be making  
6 noise in her backyard.

7 Q Where did you go to shoot that day?

8 A We went to a remote location. I would say off of Patton  
9 Road and about to 79th Avenue.

10 Q Before you went shooting, where were you?

11 A At my house.

12 Q And did you meet them out at that location that you just  
13 described?

14 A No. They drove to my house.

15 Q Who was driving?

16 A Decarus.

17 Q What vehicle was he driving?

18 A It was a reddish, I believe, Chevy SUV.

19 Q So reddish SUV?

20 A Uh-huh.

21 Q Did he have Ibrahim with him?

22 A Yes.

23 Q And did he have another person with him?

24 A Yes.

25 Q I'm going to show you what's been marked, for

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1 identification, as Exhibit No. 432.

2 Do you recognize that photograph? Who is depicted in  
3 that photograph?

4 A I do -- I don't recognize the facial hair, but it looks  
5 like the individual.

6 Q Okay. And what name did you know that person by?

7 A I don't remember. I know -- I know just from watching the  
8 news I remember the name "Soofi."

9 Q Okay. Is that the same person who came out to your home  
10 that day?

11 A I think so.

12 MR. KOEHLER: Move to admit 432.

13 MR. MAYNARD: No objection.

14 THE COURT: 432 is admitted.

15 (Exhibit No 432 admitted in evidence.)

16 BY MR. KOEHLER:

17 Q Can you give us an approximate time frame? What time of  
18 year? What month this was? You mentioned it was a Friday.

19 A It was the beginning of the year. I did have a brand new  
20 shotgun that I got for Christmas and it was brand new.

21 When they came over, we were doing show-and-tell, so  
22 I remember having that gun, that shotgun, there that day, so  
23 it had to be about the beginning of the year.

24 Q So a Friday at the beginning of the year of 2015?

25 A Yes.

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1 Q What gauge was the shotgun?

2 A My shotgun? 12 gauge.

3 Q Okay. Did you have another shotgun in the home?

4 A I did.

5 Q What gauge was that shotgun?

6 A I believe that's an 18 gauge.

7 Q Now --

8 A Or 20. I can't remember.

9 Q Okay. You mentioned that you went shooting near Patton  
10 Road; is that right?

11 A Yes.

12 Q Who went with you to the shooting location?

13 A It was two of my kids, myself, Ibrahim, Soofi, and  
14 Decarus.

15 Q As was one of your two kids Giovanni?

16 A Yes.

17 Q Was there a reason that you did not go to a public  
18 shooting range Like Ben Avery?

19 A I have never gone to Ben Avery. I grew up in the desert,  
20 so I have always just shot out in my parents' backyard.

21 Q Before you left the house to go to the shooting range, did  
22 Mr. Abdul Kareem, Ibrahim, and the other individual do  
23 anything inside your home?

24 A Yes. They prayed.

25 Q Did everybody ride together to the scene in one car?

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1 A No. They rode in the vehicle they came in and I took my  
2 personal vehicle.

3 Q And who drove from your house to the shooting location in  
4 the other vehicle?

5 A Ibrahim, Soofi, and Decarus.

6 Q Who was the driver of that vehicle?

7 A Decarus.

8 Q When you got to the shooting location, did you use  
9 targets?

10 A We used two-by-fours from a pile of illegal dumping.

11 Q Okay. So was this an actual formal dump or was this just  
12 an area where people dump stuff illegally in the desert  
13 sometimes?

14 A It was an area where people dump illegally.

15 Q And did you stand up the two-by-fours or how did you set  
16 up the targets?

17 A We stood them up.

18 Q Okay. Do you recall which direction people were firing in  
19 when they were shooting at the targets?

20 THE COURT: Are you talking north, south, east, and  
21 west?

22 MR. KOEHLER: Correct.

23 THE WITNESS: Yes. They were shooting, I would have  
24 to say, southeast.

25 BY MR. KOEHLER:

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1 Q Southeast?

2 A And me and my boys were shooting northeast.

3 Q So somewhat of a crossfire then?

4 A No. We were standing at the same location shooting in  
5 almost opposite directions.

6 Q Okay. So shooting at targets that are away from each  
7 other?

8 A Uh-huh.

9 Q Okay. And when facing the targets, was the target that  
10 you were shooting at to the left then to the northeast?

11 A Yes.

12 Q And they were shooting toward the southeast to the right?

13 A Yes.

14 Q But both of you were facing east?

15 A Yes.

16 Q Did people shoot simultaneously? Did they shoot  
17 separately? How did that shooting itself go?

18 A It was at the same time.

19 Q What were you shooting?

20 A I brought a small 410 shotgun gauge and me and my kids  
21 shot that.

22 Q Okay. And did you see the weapons that Mr. Abdul Kareem,  
23 Ibrahim, and the other individual brought to the scene?

24 A Yes.

25 MR. KOEHLER: If I can have a moment, Your Honor. If

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1 I could approach the witness one at a time with Exhibits 5?

2 May the case agent approach the witness?

3 THE COURT: Yes.

4 What is your question, Mr. Koehler?

5 MR. KOEHLER: Once it's up there, I intend to ask him  
6 if he recognizes it.

7 THE COURT: Why don't you ask him now. We can all  
8 see it from afar.

9 BY MR. KOEHLER:

10 Q Do you recognize what's been admitted in evidence as  
11 Exhibit 5?

12 A Yes, I do.

13 Q And from where do you recognize that?

14 A From that location where we went shooting.

15 MR. KOEHLER: Very good. If you could please return  
16 Exhibit 5, Agent Whitson.

17 And let's go with Exhibit 7 first.

18 May the case agent approach again?

19 THE COURT: Yes.

20 BY MR. KOEHLER:

21 Q Do you likewise recognize Exhibit 7?

22 A Yes.

23 Q And from where do you recognize that?

24 A The same location.

25 Q And now looking at Exhibit 10, do you recognize that also?

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1 A Yes.

2 Q And from where do you recognize that?

3 A The same location.

4 Q Starting first with the first one you looked at, Exhibit  
5 5, do you recall who shot that gun?

6 A I would have to say everybody, including myself.

7 Q Okay. And Exhibit 7, the second one we showed you, who  
8 was shooting that one?

9 A I would say the three individuals.

10 Q Okay. So when you say the three individuals, are you  
11 talking about Mr. Abdul Kareem, Ibrahim, and the third person  
12 that came with them?

13 A Yes.

14 Q And then finally, Exhibit 10, the one with the pistol  
15 grip?

16 A I would say everybody shot that one.

17 Q Is that including yourself?

18 A Yes, including myself.

19 Q Okay. Did you notice anything unusual about anybody's  
20 manner of shooting when you saw them out there in the desert?

21 A Yes.

22 Q Whose shooting seemed unusual to you?

23 A Ibrahim's.

24 Q What did he do that was unusual to you while shooting?

25 A He was running sideways, back and forth, while shooting.

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1 Q Did he also run closer to the target while shooting?

2 A Yeah.

3 Q You mentioned he ran sideways.

4 Did he move both forward and backward and sideways or  
5 just sideways or how would you describe it?

6 A I would say he ran left to right and then back and forth.

7 Q Was he shooting the whole time that he was doing that?

8 A Yes.

9 Q What was everyone else doing while shooting?

10 A Watching. Laughing.

11 Q Laughing at Ibrahim while he was shooting in that manner?

12 A Yes.

13 Q Why were you laughing?

14 A Well, I thought it was funny.

15 Q Okay. Why did you think it was funny?

16 A I have never seen anybody shoot that way.

17 Q Was there something about it that came into your mind  
18 about what it looked like?

19 MR. MAYNARD: Objection. It's been asked and  
20 answered.

21 THE COURT: Sustained.

22 THE WITNESS: Yes, I thought --

23 THE COURT: No. "Sustained" means you have already  
24 answered that question.

25 THE WITNESS: All right.

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1 BY MR. KOEHLER:

2 Q At some point did you become aware of --

3 Well, let me back up a second.

4 When you got home after shooting, did you have a  
5 conversation with your wife?

6 A Yes.

7 Q Did you tell her about the events of the afternoon at the  
8 range or the place that you went shooting?

9 A Yes.

10 Q Did you express to her concern about what you had seen?

11 A Yes.

12 MR. MAYNARD: Objection. Calls --

13 THE COURT: The answer is "yes."

14 BY MR. KOEHLER:

15 Q Why were you concerned about what you had seen?

16 A I thought to myself that he looked like a terrorist.

17 Q When you say "he," to whom are you referring?

18 A Ibrahim.

19 Q Did you become aware at some point that Ibrahim had been  
20 involved in a shooting in Garland, Texas?

21 A I did become aware after it happened.

22 Q And how did you become aware of that?

23 A Well, I was at -- while I was at the gym, I saw it on the  
24 TV.

25 Q After having seen that on the TV, was there a day or an

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1 evening when Mr. Abdul Kareem came over to your house?

2 A Yes.

3 Q About how long after the incident in Garland, Texas, did  
4 he come over to your house?

5 A I would say within a week.

6 Q And did you have a conversation with him at that time?

7 A About what happened?

8 Q Yes.

9 A No.

10 Q Did you ever talk to him about how he felt about the  
11 manner in which Ibrahim and the other person had been killed?

12 A He did tell me that he felt that it was wrong what  
13 happened to Ibrahim and Soofi.

14 Q So he felt it was wrong that the police killed them?

15 A Yes.

16 Q Did he talk to you at some point about having gone  
17 shooting in the desert?

18 A Yes.

19 Q Where did that conversation take place?

20 A In my house.

21 Q Can you explain how it came about?

22 A Yes. As I was walking past him, he brushed up against my  
23 shoulder and whispered, "If questioned, don't say anything  
24 about going shooting."

25 Q And what did you take that to mean?

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1 A He didn't want anyone to know.

2 Q Now, I want to back you up a little bit.

3 Back in the past, prior to this year, did you ever  
4 receive a computer from Mr. Abdul Kareem?

5 A Yes.

6 Q What kind of computer was it?

7 A A laptop.

8 MR. KOEHLER: Your Honor, may I approach the witness?

9 THE COURT: Yes.

10 BY MR. KOEHLER:

11 Q Mr. Martinez, I have placed in front of you Exhibit No.  
12 161 in evidence. Have you seen that computer before today?

13 A Today? No. Wait. Right now? Yes.

14 Q Yes. So have you seen --

15 A Before today?

16 Q Yes.

17 A Yes. Oh, yes, I have.

18 Q Okay. I would like you to take a look over it real quick  
19 and tell me where you have seen that computer before?

20 A It's the computer that he gave me for my kids.

21 Q Do you remember approximately when he brought that  
22 computer to you?

23 A It was 2014 and I would have to say right around the  
24 beginning of the school year.

25 Q So beginning of school year in August?

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1 A Yes.

2 Q September?

3 And did you later turn that computer over to the FBI?

4 A Yes.

5 Q After the events in Garland, Texas?

6 A Yes.

7 MR. KOEHLER: May I have a moment, Your Honor?

8 THE COURT: Yes.

9 MR. KOEHLER: No further questions.

10 THE COURT: Mr. Maynard, you may cross.

11 MR. MAYNARD: Thank you.

12 **CROSS EXAMINATION**

13 BY MR. MAYNARD:

14 Q Mr. Martinez-Chavez, good afternoon.

15 A Good afternoon.

16 Q Are you a little nervous?

17 A Yes.

18 Q Are you nervous in part because you're testifying against  
19 a friend of yours?

20 A That and I'm just nervous in general.

21 Q Let me go back a little bit with you.

22 You met -- is it easier if I called him "Decarus"?

23 Is that how you know him?

24 A That's how I know him.

25 Q Okay. You met Carus 12 or 13 years ago?

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1 A Yes.

2 Q Okay. How did you meet him?

3 A I met him through his nephew.

4 Q And what is his nephew's name?

5 A Stuart Sampson.

6 Q And so you became friends with him after you were  
7 introduced to him?

8 A Yes.

9 Q Okay. Now, you testified today at some point Carus lived  
10 with you and your brother; is that correct?

11 A Yes.

12 Q All right. And at some point while you were living with  
13 your brother, Carus came out with Elton Simpson or Ibrahim?

14 A Yes.

15 Q All right. And that was the first time that you had ever  
16 met him?

17 A Yes.

18 Q Okay. Now, were there times when you -- since you have  
19 known Carus that you would actually go to his house?

20 A Yes.

21 Q And have you been out there in the last couple of years  
22 prior to this incident happening in May of 2015?

23 A Yes.

24 Q Okay. You would go to -- did you go to the Cochise  
25 address?

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1 A I don't recall the name, but 19th and Peoria area.

2 Q "Vista" or "Cochise" doesn't ring a bell with you?

3 A No.

4 Q All right. When you would go to visit Carus, what was the  
5 reasons that you would go visit him?

6 A I don't know. We were friends.

7 Q You guys were buddies. You hung out together?

8 A Yes.

9 Q All right. And there were times you guys would drink some  
10 beers together?

11 A Yes.

12 Q Is it fair to say that Carus did not drink beers in front  
13 of his Muslim friends?

14 A That's true.

15 Q And so he would come out to your place and he would drink  
16 beer out at your house?

17 A Yes.

18 Q And did you meet a number of different people that lived  
19 with Carus over the years?

20 A I did.

21 Q Okay. You met a Stefan Verdugo?

22 A No.

23 Q You never met him?

24 A I might have, but I don't recognize the name.

25 Q Okay. Stefan?

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1 A Stefan. Yes.

2 Q Okay. You met him at some point?

3 A Yes.

4 Q All right. Did you meet Billy?

5 A Yes.

6 Q All right. Were there usually a number of people that  
7 were living with Carus through the years when you would go  
8 over to his place?

9 A Yes.

10 Q Especially in the last couple of years, would there be  
11 more than one or two people living with him?

12 A Yes.

13 Q Okay. Now, there were times over the years when Carus  
14 would borrow money from you?

15 A Yes.

16 Q And to pay you back, at times he gave you -- did he ever  
17 give you guns?

18 A Yes.

19 Q Okay. Did he ever give you furniture?

20 A Yes.

21 Q Okay. At the time when he gave you this computer back in  
22 2014, did he owe you some money at the time?

23 A Yes.

24 Q Okay. Did he tell you that he was going to --

25 Well, did he -- did you have an understanding of what

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1 he was going to do with that computer before he gave it to  
2 you?

3 MR. KOEHLER: Objection. Hearsay.

4 THE COURT: Sustained.

5 BY MR. MAYNARD:

6 Q When you received the computer, what did you do with it?

7 A The computer was for my kids so they could use it for  
8 education, play games.

9 Q So since you received it July, August, September of 2014,  
10 did you do anything in particular with the computer? Did you  
11 upload educational games on the computer?

12 A Yes.

13 Q Did you upload any other types of games on the computer?

14 A Other types of games? Programs?

15 Q Yeah.

16 A I would say I might have reloaded Microsoft.

17 Q Okay. Now, there were times when Carus would actually go  
18 to your mother's house, correct?

19 A Correct.

20 Q Were most of those events when Carus went to your mom's  
21 house, was it because there was some sort of family  
22 celebration going on?

23 A Family gathering.

24 Q Family gathering, sometimes it could be a birthday or  
25 something of that nature?

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1 A Yes.

2 Q All right. But most of the times when Carus was invited  
3 to go to your mother's house, there were other people there  
4 from your family?

5 A Yes.

6 Q And people in your family, along with Carus, would shoot  
7 pistols primarily?

8 A Smaller rifles.

9 Q All right. But they would do some shooting out there,  
10 ride ATVs, basically just having fun afternoons?

11 A Yes.

12 Q Correct.

13 Was there a time when you were at Carus's house where  
14 you saw a 9 millimeter gun?

15 A Yes.

16 Q Do you remember asking Carus about whether he would give  
17 you that gun because he owed you money?

18 A Yes.

19 Q Do you recall that he told you that the gun wasn't his?

20 A This, I do. He had told me that he had given it to  
21 Ibrahim.

22 Q Okay. Now, at a later period, did Carus bring Ibrahim to  
23 one of these family outings at your parents' house?

24 A Yes.

25 Q Okay. And did you shoot guns on that particular day?

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1 A Yes.

2 Q Okay. And do you recall whether or not the gun that  
3 Ibrahim had brought jammed or not?

4 A It did.

5 Q Do you remember that you tried to unjam the gun?

6 A I remember looking at it.

7 Q Do you remember that Carus tried to unjam it? Ibrahim  
8 tried to unjam it. You tried to unjam it. Nobody could get  
9 it unjammed.

10 A Yeah, that's true.

11 Q Okay. And then later on in January of 2015, Carus called  
12 you about wanting to go shooting; is that correct?

13 A Correct.

14 Q And initially, what he had asked you was could he bring  
15 some people out and go shooting at your mother's house?

16 A Yes.

17 Q Okay. And did you tell him that you didn't want them to  
18 go to your mom's house in part because it would be too noisy?

19 A I did.

20 Q Okay. Do you recall him telling you that --

21 MR. KOEHLER: Objection. Hearsay.

22 THE COURT: Sustained.

23 BY MR. MAYNARD:

24 Q Did you have an understanding of who would be coming with  
25 him?

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1 A I knew Ibrahim was coming.

2 Q Okay.

3 A I had not met the other person yet.

4 Q You had never met the other person?

5 A Huh-uh.

6 Q You have to -- is that a "no"?

7 A No. I had not.

8 Q Okay. And when they came out to your house, you invited  
9 him into the backyard?

10 A Yes.

11 Q Okay. And what was everybody doing when they got into  
12 your backyard?

13 A Playing basketball, jumping on the trampoline.

14 Q Just horsing around and having fun?

15 A Yes.

16 Q You said earlier to the jury that after they got there,  
17 you had a show-and-tell. What did you mean by that?

18 A They brought their rifles, duffle bags into my backyard,  
19 and they showed me their weapons and I brought my -- a couple  
20 of my guns out.

21 Q Who did you understand owned those guns?

22 A Soofi.

23 Q Why did you understand it was Soofi's guns?

24 A He carried them in and he had mentioned that he bought one  
25 of the guns earlier that week.

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1 Q And did everyone sort of look at everybody's guns at that  
2 time?

3 A Yes.

4 Q And then after the show-and-tell presentation, is that  
5 when the guns were packed up, you and your two children got  
6 into your car, and Carus, Simpson, and Soofi got into his and  
7 left your house?

8 A They went in the house and prayed and then we left.

9 Q So the prayer actually happened after the show-and-tell of  
10 the guns?

11 A Yes.

12 Q And in the meantime, Nicole came home?

13 A Yes.

14 Q Okay. And then after they prayed, was there more jumping  
15 on the trampoline and things after Nicole had gotten there?

16 A I think so.

17 Q So it wasn't like anybody was in a big hurry. You guys  
18 were -- they were over there having fun, showing you their  
19 guns, and horsing around?

20 A Yes.

21 Q Okay. And then you all go out to some spot in the desert.  
22 Were you the one who found the place?

23 A It was off the road where I grew up.

24 Q Had you ever been shooting out there before?

25 A Yes. One time.

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1 Q Okay. Were you aware that there might be some illegal  
2 dumping so there might be some things to shoot at?

3 A I was aware.

4 Q Okay. So you guys get out there. I believe you testified  
5 you shot at least two of the rifles that were brought --  
6 Soofi, Simpson, and Carus brought; is that correct?

7 A Yes.

8 Q And did you allow one of your boys to shoot one of those  
9 guns?

10 A I think he shot one of them.

11 Q Would you have been the one who was directing him when he  
12 was shooting that gun?

13 A I held the gun for my son as he shot it.

14 Q Sure. Okay.

15 Now, you also said that -- did -- while they were out  
16 there shooting, you said that there was a point in time when  
17 it looked like Simpson was running around shooting. Do you  
18 recall that?

19 A Yes.

20 Q Okay. You said Carus was laughing?

21 A Yes.

22 Q Okay. Were you laughing also?

23 A Yes.

24 Q It looked -- did he look funny to you as he was running  
25 around out there shooting?

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1 A Yes. It looked like he was having a good time.

2 Q Didn't look like a military training maneuver, just looked  
3 like somebody going out there shooting like they had seen  
4 something in a movie?

5 A Yes.

6 MR. MAYNARD: Just a moment, Your Honor.

7 BY MR. MAYNARD:

8 Q Now, after this -- did it appear to you that Decarus was  
9 instructing anybody on how to shoot these weapons?

10 A No.

11 Q Okay. Now, after this event occurs in May where Simpson  
12 and Soofi are killed and you see it on the television, was it  
13 rather upsetting to you that you knew these two guys?

14 A I don't recall.

15 Q Okay. Now, the FBI came out to interview you on May 22nd  
16 or thereabouts. Do you recall that?

17 A Yes.

18 Q And the very first time they asked you if you had ever  
19 gone shooting with Decarus and Simpson and Soofi, do you  
20 recall what you told them?

21 A Yes.

22 Q And what did you say?

23 A I said: No, I haven't.

24 Q And why? Weren't you scared?

25 A I was scared.

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1 Q And did the FBI then threaten you and tell you that if you  
2 lied to a federal officer, that is a crime?

3 A They did mention that it was a crime.

4 Q And then you told them exactly what happened --

5 A Yes.

6 Q -- on that day.

7 And, in fact, you took them out the next day so that  
8 they could see the site and you showed them exactly where you  
9 guys had all been shooting?

10 A Yes.

11 Q And you showed them exactly, to the best of your  
12 knowledge, the shells that -- the shell casings?

13 A Yes.

14 Q Okay. Now, the day after you had taken the FBI out and  
15 shown them around the scene where you had been shooting, did  
16 you have another meeting with the FBI at the FBI headquarters?

17 A Yes.

18 Q Okay. Did you -- how did you feel at that time as they  
19 were interrogating you?

20 MR. KOEHLER: Objection to the form of the question,  
21 Your Honor.

22 THE COURT: Overruled. You may answer.

23 THE WITNESS: I felt scared.

24 BY MR. MAYNARD:

25 Q Okay. Prior to Soofi and Simpson being killed in Garland,

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1 Texas, had you ever heard of this Prophet drawing contest  
2 before?

3 A No.

4 MR. MAYNARD: Just a moment, Your Honor, please.

5 No further questions.

6 THE COURT: Thank you.

7 Ladies and gentlemen, we are going to recess until  
8 nine o'clock tomorrow morning. You are reminded, again, of  
9 the admonition not to discuss the case among yourselves or  
10 with anyone else.

11 You are not to form any conclusions about the case  
12 until you have heard all the evidence and begun your  
13 deliberations. I will excuse the jury at this time. We will  
14 see you tomorrow morning at 9:00 a.m.

15 You may step down Mr. Martinez.

16 (End of Excerpt of Proceedings.)

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## C E R T I F I C A T E

I, ELIZABETH A. LEMKE, do hereby certify that I am duly appointed and qualified to act as Official Court Reporter for the United States District Court for the District of Arizona.

I FURTHER CERTIFY that the foregoing pages constitute a full, true, and accurate transcript of all of that portion of the proceedings contained herein, had in the above-entitled cause on the date specified therein, and that said transcript was prepared under my direction and control.

DATED at Phoenix, Arizona, this 1st day of March, 2016.

s/Elizabeth A. Lemke  
ELIZABETH A. LEMKE, RDR, CRR, CPE